1781881N25A - SH-AD-32A (OPES) (4/91)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: September 1, 2004

EXECUTIVE FORCE REVIEW COMMITTEE
POLICY ASSESSMENT
DISPOSITION SHEET

FILE NO: #2108758

FROM: JOHNNY G. JURADO, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: ERIC B. SMITH, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: ALSKY, TIMOTHY, DEPUTY #[redacted] CARSON STATION, FOR II
MATLOCK, SCOTT, DEPUTY #[redacted], CENTURY STATION, FOR II
KOVACH, CHARLES, DEPUTY #[redacted] CENTURY STATION, FOR II
WHITE, RICHARD, DEPUTY #[redacted], CENTURY STATION, FOR II

On February 6, 2004, deputies responded to an assistance request regarding a man shooting at deputies and at a Department helicopter. In their presence, Suspect Kenneth Counts fired numerous rounds at the helicopter. Fearing for the safety of the deputies in the helicopter, Deputies Alsky, Matlock, and Kovach fired several rounds from their Department-issued AR-15 rifles at Counts, as Deputy White fired one round from his Department-issued shotgun.

On August 12, 2004, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

3-01/025.00, Use of Force, 3-01/025.30, Use of Firearms and Deadly Force, and 3-01/025.10, Unreasonable Force, the Committee determined that the force used by all deputies was reasonable and necessary and in compliance with Department policy.

3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy. The Committee recognized that two sergeants have received Region commendations for their command and control of the incident, and recommended that the helicopter pilot and observer be considered for commendations for their bravery and application to duties.

Johnny G. Jurado, Commander

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Century Station PM Inservice for February 6, 2004
Century Station EM Inservice for February 7, 2004
Administrative Rights/Force/Shooting Forms
Audio/Video Tracking Form

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.? ☐	Hit? ☐
FEBRUARY 6, 2004	COMPTON		

Incident Information

URN: 404-02128-2855-051	Date: FEBRUARY 6, 2004 Time: 2145 HOURS
City or Station: COMPTON	Nature of Incident: While at the scene of a barricaded suspect. The involved dep's returned gunfire with the suspect when he fired numerous shots at two Sheriff's Dept. helicopters.
Location: [redacted] N. SLOAN AVE.	

Location Type (circle one or more): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, (Residence) [circled], Rural, School, Street, Other: ________

Lighting (circle only one): (Darkness) [circled], Daylight, Other, Street Lights

Weather (circle only one): (Clear) [circled], Cloudy, Fog, Rain

Distance:

Incident Type (circle one or more): Accidental, (Armed Person) [circled], Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ________

Initiated by (circle only one): Arrest Warrant, Call, (Observation) [circled], One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (circle only one): Detective, Inmate Transport, (Other) [circled], Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
16	47	☒	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM / PM / Day	ShiftType (circle only one): Regular / Overtime / Off Duty
[redacted]	KIM	STEVEN		PM [circled]	Overtime [circled]
[redacted]	BOGDAN	THOMAS		EM [circled]	Regular [circled]
[redacted]	PHILLIPI	J		PM [circled]	Regular [circled]

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I	(circle one or more): On Duty / Present during shooting / Witness to shooting / Involved in shooting
[redacted]	HILES	RICHARD	G.	On Duty [circled]
[redacted]	KIM	STEVEN		On Duty [circled], Present during shooting [circled], Witness to shooting [circled]

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	BERUMEN	GEORGE	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	SLAUGHTER	DOUGLAS	

PSTD Use Only

SH # 2108758

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 404-02128-2855-051

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
FEBRUARY 7, 2004	0130		

Employee #	Last Name	First Name	M.I
[redacted]	SMITH	RICHARD	G.
[redacted]	BERG	MICHAEL	R.
[redacted]	SENO	BENNETT	W.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FR	ZZ	23			NN	
S#1	E#2	FR	ZZ	23			NN	
S#1	E#3	FR	ZZ	23			NN	
S#1	E#4	FR	ZZ	23			NN	
E#1	S#1	FR	CO	23	Y	Y	NN	
E#2	S#1	FR	CO	23	Y	Y	NN	
E#3	S#1	FR	CO	23	Y	Y	NN	
E#4	S#1	FS	IT	12	Y	Y	NN	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 404-02128-2855-051

Involved Employee

E 1

Employee # [redacted]	Last Name ALSKY	First Name TIMOTHY	M.I. R.
Sex: M Race: WHT	Rank DEPUTY B/1	Unit Assignment: CARSON	Work Assignment (Unit #, Module, etc.): 163A4
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 6'	Weight: 215	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name MATLOCK	First Name SCOTT	M.I. A.
Sex: M Race: WHT	Rank DEPUTY	Unit Assignment: CENTURY	Work Assignment (Unit #, Module, etc.): 213D
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 6'	Weight: 200	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 3

Employee # [redacted]	Last Name KOVACH	First Name CHARLES	M.I. J.
Sex: M Race: WHT	Rank DEPUTY B/1	Unit Assignment: CENTURY	Work Assignment (Unit #, Module, etc.): 216H
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 6'3"	Weight: 235	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 404-02128-2855-051

Involved Employee

E 4

Employee # [redacted]	Last Name WHITE	First Name RICHARD	M.I. D.
Sex: M Race: WHITE	Rank DEPUTY	Unit Assignment: CENTURY	Work Assignment (Unit #, Module, etc.): 213D
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): 1300/2300	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5'9"	Weight: 175		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 404-02128-2855-051

Suspect Information

S 1

Last Name: COUNTS	First Name: KENNETH	M.I.: O.
AKA Last Name:	First Name:	M.I.:

Sex: M Race: BLK	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 28 D.O.B. 12-15-75	Height: 5'09" Weight: 190	FBI #: [redacted]	CII #: [redacted]
Booking #: 8005467	Primary Charge: ATTEMPT MURDER 664/187(A) P.C.	Secondary Charge: BURGLARY 459 P.C.	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: CHEVROLET		Model: SUBURBAN	Year: 1990

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

INVESTIGATIVE SUMMARY
USE OF FORCE
TYPE: DEPUTY INVOLVED SHOOTING-NON-HIT
I.A.B. FILE NUMBER: SH 2108758
URN: 404-02128-2855-051

On Saturday, February 7, 2004, Sergeants Richard Smith and Michael Berg, along with Lieutenant Bennett Seno of the Internal Affairs Bureau, responded to [redacted] N. Sloan Ave., City of Compton, regarding a Deputy Involved Shooting involving Century Station and Carson Station personnel.

The summary of this incident is based on information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Compton Station Operation Safe Streets case package as well as physical evidence collected at the scene by Los Angeles Sheriff's Department Crime Lab personnel **(refer Exhibit A).**

INVOLVED PERSONNEL:

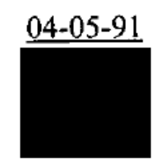
Deputy Timothy Alsky, #[redacted]	MW/[redacted]	6'00"/215lbs
Deputy Scott Matlock, #[redacted]	MW/[redacted]	6'00"/200lbs
Deputy Richard White, #[redacted]	MW/[redacted]	5'09"/175lbs
Deputy Charles Kovach, #[redacted]	MW/[redacted]	6'03"/235lbs

EMPLOYEE WORK HISTORY

<u>**ALSKY,**</u> Timothy

Date of Employment	<u>01-23-91</u>
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	
Prior Founded Force Incidents	

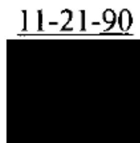
<u>**MATLOCK,**</u> Scott

Date of Employment	<u>04-05-91</u>
Date Assigned to Patrol	 [redacted]
Date Completed Patrol Training	
Prior Founded Force Incidents	

WHITE, Richard

Date of Employment	04-26-91
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	
Prior Founded Force Incidents	

KOVACH, Charles

Date of Employment	11-21-90
Date Assigned to Patrol	 [redacted]
Date Completed Patrol Training	
Prior founded Force Incidents	

SUSPECT

Suspect Kenneth Counts, BK#8005467	MB/28	5'09"/190lbs

Suspect Counts [redacted] **(refer Exhibit B).**

WITNESSES

Sergeant Steven Kim, #[redacted]	Compton Station	(310)605-6504
Deputy J Phillipi, #[redacted]	Compton Station	(310)605-6504
Deputy Thomas Bogdan, #[redacted]	Aero Bureau	(562)421-2701

INJURIES

No injuries were sustained during this incident

PHYSICAL EVIDENCE

Thirteen .223 caliber shell casings were found on the driveway of the residence at [redacted] N. Sloan Ave., below where Deputies Matlock and Kovach were positioned on the roof. Two .223 caliber shell casings were located to the south of Deputy Alsky's location in the backyard of [redacted] N. Sloan Ave. Numerous .223 caliber shell casings were located in and around the suspect's residence at [redacted] One shotgun, two rifles and one semi-automatic pistol were located in the suspect's residence **(refer Exhibit C).**

INVESTIGATOR OBSERVATIONS:

Numerous bullet holes were discovered in the ceiling of the residence at [redacted] which the suspect stated he had done. Several different firearms were also found inside the residence. The front window had a security gate across it and several bullet holes were found with an outward trajectory, indicating the suspect had fired from the inside out.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Alsky, Timothy #[redacted]
Department issued Colt, Model M-16A1, 223 caliber semiautomatic rifle, fired two rounds of Department issued Remington 223 caliber ammunition **(refer Exhibit H)**.

Deputy Matlock, Scott #[redacted]
Department issued Colt, Model M-16A1, 223 caliber semiautomatic rifle, fired rounds of Department issued Remington 223 caliber ammunition **(refer Exhibit H)**.

Deputy Kovach, Charles #[redacted]
Department issued Colt, Model M-16A1, 223 caliber semiautomatic rifle, fired rounds of Department issued Remington 223 caliber ammunition **(refer Exhibit H)**.

Deputy White, Richard #[redacted]
Department issued Ithaca 12 Gauge shotgun, model 37, ser.#[redacted] fired one round of Department issued rifle slug **(refer Exhibit H)**.

WEAPONS USED BY SUSPECTS

Suspect Kenneth O. Counts, BK#8005467
Professional Ordinance Carbon 15, 223 Caliber pistol.

PROPERTY DAMAGE:

Suspect Counts vehicle, Chevrolet Suburban, license number [redacted] received multiple bullets strikes to the front grill and windshield. The front of the residence at [redacted] received two bullet strikes in the stucco and the living room window had two bullet holes. The front window of the residence at [redacted] N. Sloan Ave. had one bullet hole. The gate on the north side of [redacted] N. Sloan Ave. was knocked down. No Claims for Damage have been received.

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Operation Safe Streets Compton Station
Detective Q. Rodriguez #[redacted]

664/187 P.C.-Attempt Murder of a Peace Officer, 9 Counts
664/187 P.C.-Attempt Murder, 2 Counts
245(a)(3)P.C.-ADW on a Peace Officer with an Assault Weapon
246(f)(3)P.C.-Shooting at an Occupied Aircraft
12022.5(d)P.C.-Use of an Assault Weapon on Each Victim
12022.5(3)(c)P.C.-Firearm Use With Discharge of Weapon and Likely GBI, 11 Counts
12022.5(3)(b)P.C.-Use of Firearm During Commission of a Robbery

LIGHTING OR WEATHER CONDITIONS:

The incident occurred during the hours of darkness with standard city street lighting and some ambient lighting provided by a porch light near the area the suspect was shooting. The night was clear and dry with no appreciable wind.

INVOLVED EMPLOYEES STATEMENTS:

Deputy Timothy Alsky, #[redacted]

Deputy Alsky, on the day of the incident, was assigned to Carson Station Unit 163A4, a two man [redacted] car, working in the Carson Station area. He was wearing a Sheriff's Department Class A uniform with Sam Brown gun belt.

Deputy Alsky said that he was alerted to the situation by Sheriff's radio traffic of someone shooting a gun and responded from his area in Carson to the intersection of Sloan Ave. and Palmer St. Upon his arrival he saw deputies crouched behind vehicles parked in the area. He asked those deputies where an AR-15 was needed, and was directed north on Sloan Ave. He and his partner ran north to a new location and heard gunshots as he arrived.

He contacted Sergeant Kim from Compton Station, who told him that they needed to acquire a better position that would allow them to see the suspect, who was standing up a long driveway at [redacted] N. Sloan Ave. They ran through backyards, jumping fences, until they reached the rear yard at [redacted] N. Sloan Ave. which allowed them a visual up the suspect driveway. They took a position behind a wooden fence that had a 18 inch wide block wall on the north side of the wooden fence with Sergeant Kim behind the house on the south side of the fence. This position gave him a clear view up the suspect driveway as well as better cover than the wooden fence **(refer Exhibits F & G)**.

He said that due to "horrible lighting" he was unable to see the suspect, except when the aero unit lit up the driveway **(refer Exhibits D & E)**. He heard on the radio that the suspect was out of the house and he could see the suspect get into an SUV that was parked on the driveway. He heard on the radio that a news helicopter had advised that the suspect was inside the SUV pulling out more weapons. As the suspect stood behind the door of the vehicle he said "all of a sudden, all hell broke loose. He started shooting in rapid succession." He said he could see muzzle flashes going up in the air, he saw the Department helicopter above and he had been told earlier that the suspect had been shooting at the helicopter.

He thought that the suspect was again trying to shoot down the helicopter. Fearing that the suspect was going to kill the helicopter personnel or other deputies on the ground, himself included, he fired two rounds from his issued AR-15. He also heard the deputies on the roof to his north fire their weapons (unknown how many rounds). The suspect immediately stopped shooting. He said that when he fired he could see that his backdrop was a garage behind the SUV and he was aware that the houses in the area had been evacuated.

Deputy Scott Matlock #[redacted]

Deputy Matlock, on the day of the incident, was assigned to Century Station Unit 213D, a two man car, with his partner Deputy Richard White working the city of Lynwood. He was wearing a Sheriff's Class A uniform with vest and Sam Brown type gun belt.

Deputy Matlock said that while they were in the area of 134th St. and Alameda St., they heard a radio broadcast from Compton Station unit 281A, Deputy Phillipi, that he was being fired at by a suspect at [redacted] They responded to assist in the containment, and upon arrival he heard several large caliber gun shots. He advised Sergeant Vera, who was establishing the containment, that he was deploying an AR-15, and then, along with Deputy White and Deputy Kovach, began evacuating the residents on the west side of Sloan Ave.

When they reached [redacted] Sloan Ave., they were advised that the remaining house on the west side had been evacuated. At this point it was determined that they had the best tactical position as they were directly across from the suspect's location. He and Deputy Kovach, also deployed with an AR-15, determined that it was to their tactical advantage to take a position on the roof of [redacted] Sloan Ave. and Deputy White, armed with a shotgun loaded with rifle slugs, would take a position inside the residence at [redacted] Sloan Ave. Shortly after taking his position on the roof, the Aero Unit advised that they could see the suspect moving between the house and a dark colored Chevy Suburban which was parked in the driveway. Additional radio traffic from the Aero Unit indicated that the suspect was retrieving a tactical helmet and body armor.

Deputy Matlock said that seconds after he heard that information, he heard large caliber rifle fire and saw a muzzle flash coming from behind the Suburban. He said the muzzle flash was directed upward, and believed the suspect was shooting at the Aero Unit. Fearing that the suspect might hit the deputies in the aero unit or disable the helicopter causing it to crash, thus

endangering people on the ground, he fired five rounds from his AR-15 rifle at the suspect. After firing, he moved his position to the north to acquire a better observation of the north side of the suspect's location. Moments after changing his position, he heard a large caliber rifle shot which he believed came from the interior of the suspect's location. He then saw Deputy Kovach fire one or two rounds, who Deputy Kovach said he could see firing from inside the location, in the direction of the suspect's location. No more rounds were fired and he was relieved by Special Enforcement personnel.

Deputy Charles Kovach #[redacted]

Deputy Kovach, on the day of the incident, was assigned to Century Station Unit 216H. He was wwearing a Sheriff's Class A uniform with Sam Brown gunbelt.

Deputy Kovach said that he was inside Century Station when he heard over the station P. A. system that a Compton Station deputy was requesting immediate assistance in the 600 block of N. Sloan Ave. in the city of Compton, regarding a suspect shooting at him with a high caliber rifle. When he arrived at the scene, he along with Deputies Matlock and White, began evacuating the residents on the west side of Sloan Ave. After evacuating the residence at [redacted] Sloan Ave. he and Deputy Matlock took a position on the roof as Deputy White took a position inside the residence. He said while this was occurring, the suspect had exited the location at [redacted] and fired several rounds at the Aero Unit.

After a short period of time the suspect exited the location and entered a Chevy Suburban parked in the driveway. He received information that the suspect was putting a bullet proof vest and helmet on and was retrieving another assault rifle from the interior of the Suburban. As the Aero Unit made a low orbit over the suspect, he saw the suspect fire rounds at the Aero Unit from a high powered rifle. Believing that the deputies in the Aero Unit were in danger and that the high powered rifle could bring the helicopter down causing injuries to people on the ground, he fired six to eight rounds from his AR-15 at the suspect. The suspect ceased firing at the helicopter and ran back inside the house.

He maintained his position on the roof and a short time later was advised that Special Enforcement Bureau personnel were going to relieve deputies on the perimeter coming from the south. He saw the suspect firing rounds in a southwesterly direction, which is where S.E.B. personnel were moving up to his location. He established a silhouette sight picture of the suspect inside the location and fearing for the lives of S.E.B. personnel as well as his and Deputy Matlock's life, he fired two or three rounds at the suspect through the west facing window the suspect was firing through. The suspect stopped firing and he was relieved by Special Enforcement Bureau personnel.

Deputy Richard White #[redacted]

Deputy White, on the day of the incident, was assigned to Century Station Unit 213D, a two man car, with his partner Deputy Scott Matlock working the city of Lynwood. He was wearing a Sheriff's Class A uniform with vest and Sam Brown type gun belt.

Deputy White said that while they were in the area of 134th St. and Alameda St., they heard a radio broadcast from Compton Station unit 281A, indicating that he was being fired at by a suspect at [redacted] They responded to assist in the containment, and upon arrival he heard several large caliber gun shots. He along with Deputy White and Deputy Kovach, began evacuating the residents on the west side of Sloan Ave. When they reached [redacted] Sloan Ave., they were advised that the remaining houses on the west side had been evacuated

After completing the evacuation of the residents at [redacted] N. Sloan Ave. he positioned himself inside the kitchen of the residence. He chose this position because it would provide him with concealment ff and it gave him a good shooting background which consisted of a garage type structure. He loaded his shotgun with rifled slugs due to the distance between himself and the last known position of the suspect and the fact that he would have to fire through a closed window, as he was unable to open it.

After several minutes the Aero Unit advised that the suspect had a helmet and vest on and was outside the location on the driveway and armed. Although he was unable to see the suspect, he did hear several rapid gunshots and saw large high caliber muzzle flashes coming from the back of the vehicle parked on the driveway of the location. He was able to determine that the muzzle flashes were directed upward toward the Aero Unit and heard the Aero Unit advise that they were being fired upon. He stated that he feared for the lives of the helicopter personnel as well as the deputies on the ground. Based on this fear, he fired one round from his shotgun at the suspect and heard several rounds being fired from the personnel on the roof.

The suspect re-entered the location and several minutes later he saw muzzle flashes and heard gunfire coming from behind a metal security screen which faced toward him. He said this gunfire appeared to be directed in a southerly direction. Shortly afterward he was relieved by Special Enforcement Bureau personnel.

WITNESSES STATEMENTS:

Sergeant Steve Kim #[redacted]

Sergeant Kim said that at approximately 2200 hours he heard a radio call of a person screaming for help at [redacted] Muriel Ave. A short time later the call was updated to a gun shot victim at that location. A crime broadcast was initiated wherein the suspect was identified as Kenneth Counts and a possible location for where he lived. Moments later he heard on the radio that Deputy Phillipi was being fired at in the 600 block of Sloan Ave. He also heard the Aero unit, which

was above the Sloan Ave. location, advise that they could see the suspect and that he was also firing at them with a long rifle.

When he arrived at the location he heard gun shots coming from the suspect's location. A containment was established and he and Deputy Alsky, who was armed with an AR-15, made their way to a backyard across from the suspect's location. Several minutes after their arrival, they were joined by Deputies Matlock, Kovach, and White. Deputy White, armed with a shotgun with rifle slugs, evacuated the residents at [redacted] N. Sloan Ave. and then took a position inside the house. Deputies Matlock and Kovach climbed onto the roof of the residence where they deployed with AR-15 rifles.

He saw the suspect entering and exiting the house, moving between the house and a vehicle parked in the driveway near the rear door of the house. He then saw the suspect standing behind the open passenger door of the vehicle and, based on the muzzle flashes, determined the suspect was shooting at the Aero unit. The Aero unit also advised that the suspect was firing at them. At this time he heard numerous rounds being fired from the rooftop by Deputies Matlock and Kovach as well as two or three rounds fired by Deputy Alsky, who was standing beside him on the ground. Several minutes passed and he then heard gun shots coming from the interior of the suspect's location and saw muzzle flashes through a window facing him and the deputies that were with him. It appeared that the suspect was firing at them. He then heard one of the deputies on the roof fire two or three rounds toward the suspect. A short time later he and the deputies were relieved by personnel from the Special Enforcement Bureau, the suspect surrendered and was taken into custody.

Deputy Thomas Bogdan #[redacted]

Deputy Bogdan said that he was working as the observer in Air-21 and responded to the area of [redacted] S. Muriel Ave., Compton regarding an assault with a deadly weapon just occurred at that location. He received additional information about the suspect's vehicle and possible place of residence on Sloan Ave. between Elm St. and Palmer St.

He responded to the Sloan Ave. location and saw a vehicle matching the description of the suspect vehicle parked on the south side of a gray duplex. He illuminated the vehicle and saw a Sheriff's radio car drive up to and stop in front of the location. He then heard emergent radio traffic from that unit, advising that he heard gun shots coming from the location.

He continued to orbit above the location and saw the suspect standing on the south side of the location next to the open passenger door of the suspect vehicle, pointing a rifle directly at the helicopter. As he watched the suspect through binoculars, he saw the suspect fire approximately 5 to 6 times at the helicopter. He continued the orbit and the suspect fired 5 to 6 more times at the helicopter. He assisted in establishing a containment by ground units as well as setting up positions for deputies armed with long rifles. He remained on scene until he ran low on fuel and was relieved by Long Beach Air Unit "Air-Fox."

Deputy Jason Phillipi #[redacted]

Deputy Phillipi said that he heard a radio broadcast of an assault with a deadly weapon which indicated the suspect was Kenneth Counts and that he lived in a duplex on Sloan Ave. between Elm St. and Palmer St. in Compton. He responded to Sloan Ave. and began checking the area for Suspect Counts and/or his vehicle.

As he was driving southbound in a marked radio car at approximately 5 MPH, he heard 6 to 7 gun shots coming from the residence at [redacted] which was directly east of where he was located. He saw muzzle flashes coming down the driveway toward his position. He identified the suspect's location to responding, assisting units and heard Air-21 state that Suspect Counts was shooting at them. He joined the arrest team which was located on Sloan Ave. south of the location and continued to hear sporadic gun fire coming from Suspect Count's location.

After Suspect Count's was taken into custody, he was assigned to transport Suspect Counts to Compton Station. During the drive to the station, Suspect Counts made several statements. These statements included that he had been looking for deputies to shoot, specifically "Deputy Golden." He also said that the deputies were "lucky" that they did not approach the house because he waiting "to shoot them." He also admitted to shooting at the deputies that were located "in front of him."

SUSPECT STATEMENTS:

Suspect Kenneth Counts, BK#9005467

Suspect Counts said that after he had shot his [redacted] and her new [redacted] he had gone "into a zone." He remembered there were helicopters over his home, but he did not know if the helicopters were in the area because of him or not. He said he fired "multiple times" into the air as he "argued with himself."

He turned his televison on and saw his house on the news. During this time he was talking on the phone with a person named "Maria" (Sergeant Maria Burwell, CNT). At one point he went to his vehicle and someone shot at him. To protect himself, he returned fire, but he did not know who was shooting at him, stating that no one had identified themselves as Sheriff's Deputies. He later said that the "police" had been shooting at him. During the interview, he would vacillate between admitting and denying that he had been in a gun battle with law enforcement.